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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,377	10/16/2001	Mark K. Wallach	65816-0004	4186

10291 7590 12/26/2002
RADER, FISHMAN & GRAUER PLLC
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EXAMINER

FERGUSON, MARISSA L

ART UNIT PAPER NUMBER

2855

DATE MAILED: 12/26/2002


Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/978,377

Applicant(s)

WALLACH, MARK K. 

Examiner

Marissa L Ferguson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-8 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapohn (U.S. Patent 5,770,797) in view of Fordyce (U.S. Patent 4,646,673).

Regarding claims 1,6,8, 13 and 15, Lapohn teaches an air pressure measuring system comprising a bracket structure (64), an air pressure gauge mounted to a bracket structure (16), a conduit that is in communication with at least one air pressure gauge (56) and an indicator (32 and Column 5, Lines 1-26).

However, Lapohn does not explicitly teach a bracket structure mounted to an inside surface of a wheel rim. Fordyce teaches a pressure-indicating device that discloses a device that is indirectly and/or directly attached to a wheel rim (Column 9, Lines 1-52).

Since Lapohn and Fordyce disclose systems for indicating air pressure in tires, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Lapohn to include the device mounted to the inside surface of a rim as taught by Fordyce for the purpose of mounting the indicator within a visible range of an operator.

Regarding claims 3,4,10, and 11, Laphon teaches strips of reflective material/micro-prism retro reflective elements (30 and Column 4, Lines 52-65).

Regarding claims 5 and 12, Laphon teaches a Bourdon tube type pressure gauge (32).

Regarding claims 7 and 14, Laphon teaches an air pressure gauge including a pair of stop posts (39) and a mounting assembly to an inside surface of a wheel assembly (Figure 6).

2. Claims 2 and 9 are rejected under 35 U.S.C.103(a) as being unpatentable over Laphon (U.S. Patent 5,770,797) in view of Fordyce (U.S. Patent 4,646,673) as applied to claims 1 and 8 above, further in view of Evans et al. (U.S. Publication 2002/0139288).

Laphon, as modified, teaches the invention claimed except he does not explicitly disclose a bracket structure that is mounted to an inside surface of a wheel assembly by using adhesive tape. Evans discloses a bracket structure mounted to the inside surface of a wheel assembly by using adhesive tape (Page 3, Paragraph 38).

Since Laphon and Evans disclose wheel mounted tire pressure gauges, it would have been obvious to one having ordinary skill in the art at the time the invention was made to a person having ordinary skill in the art to further modify the invention taught by Laphon to include the structure mounted by adhesive tape taught by Evans for the purpose of securing the apparatus to the rim of a tire.

Response to Arguments

3. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L Ferguson whose telephone number is (703) 305-3194. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (703) 305-4705. The fax phone numbers for the organization where this application or proceeding is assigned are (703)


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308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Marissa L Ferguson
Examiner
Art Unit 2855

December 20, 2002


HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800